

Tolm

**Notice of Allowability**

Application No.

10/001,708

Applicant(s)

STOICK ET AL.

Examiner

Ghassem Alie

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/24/05.
2. ☒ The allowed claim(s) is/are 1, 4, 5, 7, 8, 11, 12, and 15-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>11/21/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a communication with Mr. Matthew T. Macari (Reg. No. 24,492) on 11/21/05.

The application has been amended as follows:

In the claims:

Claim 11, line 1, "A C-shaped tubing cutter" has been changed to --A tubing cutter--.

Claim 13 has been cancelled.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the fixed razor blade has a chordal portion extending into the bottom portion which is located directly opposite the opening of the C-shaped grasping portion as set forth in claims 1, 11, 15, 16, and 20.

Regarding claims 1, 11, 15, 16, and 20, Hochfeld et al. (Des. 308,811), hereinafter Hochfeld teaches a cutter that is capable of snapping onto and circumferentially grasp plastic tubing to facilitate the rotational cutting of the tubing. Hochfeld also teaches a cutter body and a C-shaped grasping portion formed in the body and grasping portion includes an opening and a tube receiving portion. Hochfeld also teaches that opening has a width generally less than the width of the tube receiving region such that C-shaped grasping portion

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receives the plastic tubing with snap engagement retains the plastic tubing during the cutting of the tubing. Hochfeld also teaches a fixed blade 38 secured to the body such that a chordal portion of the blade extends into the grasping portion whereby rotational movement of the engaged cutter around the outer surface of the tubing facilitate cutting. Hochfeld does not teach the cutter body has a front piece removably secured to a back piece such that securement of the front piece and back piece form the body and the blade is secured within the front and back pieces. Hochfeld also fails to teach that the fixed razor blade has a chordal portion extending into the bottom portion which is located directly opposite the opening of the C-shaped grasping portion as set forth in claims 1, 11, 15, 16, and 20.

Hochfeld in view of Baltuch (2,254,199) or Mancini (Des. 362,168) teaches that the cutter body has a front piece removably secured to a back piece such that securement of the front piece and back piece form the body and the blade is secured within the front and back pieces.

However, Hochfeld in view of Baltuch or Mancini fails to teach that the fixed razor blade has a chordal portion extending into the bottom portion which is located directly opposite the opening of the C-shaped grasping portion as set forth in claims 1, 11, 15, 16, and 20.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claims 1, 11, 15, 16, and 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Comment*

3. In view of the amendment to claims 1, 11, 15, 16, and 20, rejection of these claims under 35 U.S.C. 112, first paragraph, is withdrawn.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heglin (Des. 376,091), Seymour (2,050,768), Watamura (5,956,853), Taylor (5,285,576), Sexton (4,441,400), Burrell (609,138), Schmidt (4,631,829), Erpenbeck (4,114,266) teach a tubing cutter including a fixed blade having a chordal portion extending across the bottom portion of a grasping portion.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

November 21, 2005



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